

# S U M M A R Y   A C T I O N   M I N U T E S



## REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

*Tuesday, October 21, 2003, 9:30 AM*

BOARD HEARING ROOM, FIRST FLOOR  
10 Civic Center Plaza  
Santa Ana, California

**THOMAS W. WILSON**  
CHAIRMAN  
Fifth District

**JAMES W. SILVA**  
VICE CHAIRMAN  
Second District

**CHARLES V. SMITH**  
SUPERVISOR  
First District

**BILL CAMPBELL**  
SUPERVISOR  
Third District

**CHRIS NORBY**  
SUPERVISOR  
Fourth District

ATTENDANCE: Supervisors: Smith, Silva, Norby, Wilson

EXCUSED: Supervisor Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth, Interim CEO
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in the Pledge of Allegiance

### **I. PRESENTATIONS/INTRODUCTIONS**

Scott Baugh, Sacramento Legislative Advocate, provided a legislative update

Chairman Wilson presented a resolution proclaiming October 19-25, 2003 as "Childhood Lead Poisoning Prevention Awareness Week"

Chairman Wilson presented a resolution commending Roberta "Chris" Salas on her retirement

Chairman Wilson presented a resolution commending Richard Devylder for his hard work and dedication as a member of the Orange County In-Home Supportive Services Advisory Committee

Chairman Wilson presented certificates to Lifeguard Dale Adama and Jose Rodriguez - the first person to be resuscitated post cardiac arrest with an Automated External Defibrillator donated by Ray of Life Foundation

### **II. CONSENT CALENDAR (Items 1-42)**

21345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 41 WHICH WAS**  
X **CONTINUED TO 10/28/03, 9:30 A.M.**

# S U M M A R Y   A C T I O N   M I N U T E S

## **BOARD APPOINTMENTS**

1.      **Supervisor Silva** - Assessment Appeals Board No. 1 - Reappoint Sherry Smith Mancini, Huntington Beach, for term ending 9/3/06
2.      **Chairman Wilson** - Human Relations Commission - Reappoint Kenneth K. Inouye, Laguna Hills, for term ending 12/16/04

## **DEPARTMENT APPOINTMENTS**

3.      **Health Care Agency** - Emergency Medical Care Committee - Appoint Carolyn Cavecche, Orange, to complete term ending 6/30/04 and Samuel J. Stratton, Orange; Marla Gain, Orange and Arthur F. Brice, Brea, to complete terms ending 6/30/05; and reappoint Daniel Brothman, Santa Ana, for term ending 6/30/05 - All Districts
4.      **Probation** - Juvenile Justice Coordinating Council - Appoint Sandra Fair, Santa Ana, for an indefinite term - All Districts

## **COMMENDATIONS/PROCLAMATIONS**

### **Chairman Wilson:**

5.              Adopt resolution proclaiming November 15, 2003 as "America Recycles Day"  
*RESO: 03-331*
6.              Adopt resolution commending employees from CEO Human Resources and Information Technology for receiving 2003 Best of Breed Award from The Center for Digital Government for implementing the On-line Recruitment system  
*RESO: 03-332*
7.              Adopt resolution recognizing The Hispanic Education Endowment Fund  
*RESO: 03-333*
8.              Approval and issuance of certificate recognizing The Family Violence Project

## **HEALTH CARE AGENCY**

9.              Approve amended master agreement with various providers for post custody re-entry services for substance abusers, 7/1/03 - 6/30/04 (\$96,300; new total \$318,937) - All Districts
10.             Approve agreement with State Department of Health Services, Center for Health Statistics, Office of Vital Records for processing of death certificate amendments, 7/1/03 - 6/30/04 (\$17,178 revenue) - All Districts
11.             Receive and file Status Report on Medical Services for Indigents Program - All Districts

## **HOUSING AND COMMUNITY SERVICES DEPARTMENT**

12.             Approve agreement with Abrazar, Inc. for implementation and administration of Senior Transportation Program, 11/1/03 - 10/31/04 (\$178,125); renewable for one additional year (\$173,125) - Districts 1 & 2

## **JOHN WAYNE AIRPORT**

# S U M M A R Y   A C T I O N   M I N U T E S

13. Approve agreement with Newport FBO Two, LLC dba Newport Jet Center for consent to construct office space; and make California Environmental Quality Act and other findings - District 2

## **PLANNING AND DEVELOPMENT SERVICES**

14. Approve Tract 16515, DMB Ladera LLC, Ladera Ranch area; accept easements for emergency and public vehicular ingress and egress; approve construction agreement S0903-0133 and accept bonds guaranteeing construction of improvements - District 5
15. Approve Tract 16461, Irvine Community Development Company, LLC, Newport Coast area; accept easement for fire protection access; and accept easement for pedestrian and emergency public service ingress and egress; do not accept dedication of easement over Lots P and Q for riding and hiking trail purposes; approve construction agreement S0503-0117 and accept bonds guaranteeing construction of improvements - Districts 5

## **PUBLIC FACILITIES AND RESOURCES DEPARTMENT**

16. Approve plans and specifications and set bid opening for 11/26/03, 2:00 p.m., for replacement of jack assemblies for elevators 7, 8, 9, 10, 11, 12 and 13, Central Justice Center, Santa Ana - District 1
17. Waive informality in bid submitted by McKinley Equipment Corp.; receive bids and award contract to McKinley Equipment Corp. for vertical lifts for shelving system, County Records Center, Santa Ana (\$108,435) - District 1
18. Adopt resolution accepting Irrevocable Offer of Dedication of 15.25 acres addition to Limestone Whiting Wilderness Park; and make California Environmental Quality Act and other findings - District 5  
*RESO: 03-334*
19. Authorize release of security for private street improvements, street lights, sewer and water systems and monumentation, Tract 15440, Coto De Caza Ltd., Coto De Caza area - District 5
20. Approve plans and specifications and set bid opening for 12/3/03, 2:00 p.m., for Phase I replacement of air conditioning units and duct cleaning, Juvenile Hall, Orange - District 3
21. Approve purchase of one 2004, 1/2 ton, V8, regular cab CNG pickup truck from Villa Ford (\$27,433.14) - All Districts
22. Approve purchase of one 2004, 3/4 ton, V8, regular cab CNG pickup truck from Victor Buick GMC (\$30,560.60) - All Districts
23. Reject bid of Air Management Industries as non-responsive; waive informality of clerical error; receive bids and award contract to Big West Construction Corporation for expansion and remodel of 2nd floor Administration, Central Justice Center, Santa Ana (\$375,000) - District 1
24. Approve plans and specifications and set bid opening for 11/19/03, 2:00 p.m., for asphalt overlay resurfacing of Chapman Avenue, Orange and unincorporated area; and make California Environmental Quality Act findings - District 3
25. Reject single bid received 6/18/03; approve revised plans and specifications and set bid opening for 12/10/03, 2:00 p.m., for expansion and remodel of Orange County Public Law Library, Santa Ana - District 1

# S U M M A R Y   A C T I O N   M I N U T E S

26. Approve termination of emergency action originally approved on 7/22/03, for repair of HVAC ductwork, Central Justice Center - District 1 (Continued from 7/22/03, Item 50; 8/5/03, Item 8; 8/19/03, Item 9; 8/26/03, Item 16; 9/9/03, Item 22; 9/23/03, Item 10; 10/7/03, Item 7)
27. Approve agreement D03-062 with City of Orange for asphalt overlay resurfacing of Chapman Avenue between Esplanade Street and Earlam Street - District 3
28. Receive and file Traffic Committee reports dated 9/18/03; approve recommendations and adopt necessary resolutions - District 5  
*RESO: 03-335 - 03-336*
29. Receive bids and award contract to Sialic Contractors Corporation dba Shawnan for Cypress Acres Street and Storm Drain Improvements, Phase III, Cypress (\$394,577) - District 2
30. Approve cooperative agreements with various Cities for asphalt overlay resurfacing - Districts 1, 2, 3 and 5
31. Select Peyo & Associates Inc. as primary and Wayne C. Siu Architects and Associates as alternate firms for design services, Probation Youth Guidance Center Improvement Projects; and authorize Director or designee to negotiate agreement for Board approval - District 1
32. Approve assignment and authorize payment to California Department of Industrial Relations from funds held from Projective Development International (PDI) for remodel of HCA Public Health Laboratory (\$101,795.08) and payment of remaining balance to PDI (\$15,098.37) - District 1
33. Approve amended license CN #178054-A with San Clemente and Orange County Transportation Authority for wooden staircase beach accessway at Califia Beach; and make California Environmental Quality Act findings - District 5
34. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement No. 04W4CAD02302 with the United States Geological Survey for operation and maintenance of sediment monitoring stations, Agua Chinon and Marshburn Channels, 11/1/03 and authorize Director to renew for three additional years under certain conditions, 10/31/04 (\$56,100) - District 3

## **SOCIAL SERVICES AGENCY**

35. Approve amended price agreements N3000002529, 11/1/01 - 10/31/03 (\$25,000; new total \$166,741) and N4000002529, 11/1/03 - 10/31/04 (\$81,200; new total \$160,000) with State Department of Justice for Live Scan/Fingerprint Record Check service - All Districts

## **PUBLIC PROTECTION**

36. **Probation** - Approve settlement agreement and mutual release with Sunflower Windell, LLC for termination of lease for South Orange County Youth and Family Resource Center, Aliso Viejo (\$138,634.20) - District 5

# S U M M A R Y   A C T I O N   M I N U T E S

## **Sheriff-Coroner:**

37. Adopt resolution approving agreement 03-011-178 with State Commission on Peace Officer Standards and Training for Driving Simulator and Force Option Simulator courses; and authorize Sheriff-Coroner or designee to execute contractor certification class, 7/1/03 - 6/30/04 (\$193,600 revenue) - All Districts  
*RESO: 03-337*
38. Approve agreement with J.L. Hengstler Associates for design of a replacement HVAC energy management control system (\$148,200) - District 1
39. Approve Memorandum of Understanding with Los Angeles County Sheriff's Department for provision of STR-DNA testing under Cold Hit DNA Testing Program (\$100,000 revenue) - All Districts
40. Approve license agreement with Orange for use of Sheriff's Katella Firing Range for training purposes; and make California Environmental Quality Act findings - District 3

## **GENERAL ADMINISTRATION**

### **County Executive Office:**

41. Approve amended price agreement Y1000000504 with American Management Systems, Inc. for perpetual software license (\$32,325; new total \$328,098.75) - All Districts
- 21345  
X **CONTINUED TO 10/28/03, 9:30 A.M.**
42. Approve license with Westminster Housing Partners, L.P. for access to perform grading work, Westminster; and make California Environmental Quality Act findings - District 1

**END OF CONSENT CALENDAR**

# S U M M A R Y   A C T I O N   M I N U T E S

## III. DISCUSSION ITEMS (Items 43-S59B)

### HEALTH CARE AGENCY

43. Approve agreement 03-73041-000 with State Department of Mental Health for Consolidated Medi-Cal Mental Health services, 7/1/03 - 6/30/04 (\$10,539,180) - All Districts

21345 **APPROVED AS RECOMMENDED**

X

44. Approve amended agreements with A.S. Foundation/Orange County (\$32,391; new total \$1,664,109), Delhi Center (decrease \$8,845; new total \$173,146) and Laguna Beach Community Clinic (\$10,000; new total \$227,545) for HIV services, 3/1/03 - 2/29/04 - All Districts

15234 **APPROVED AS RECOMMENDED**

X

### INTEGRATED WASTE MANAGEMENT DEPARTMENT

45. **Integrated Waste Management** - Receive bids and award contract to C.W. Poss, Inc. for construction of Phase VII-A Expansion, Frank R. Bowerman Landfill (\$12,745,346.50); and approve related budget adjustments - District 3 (4/5 vote)

54123 **APPROVED AS RECOMMENDED**

X

### JOHN WAYNE AIRPORT

46. Receive bids and award contract to Griffith Company, Inc. for reconstruction of west perimeter road (\$1,337,933.20) - District 2

21345 **APPROVED AS RECOMMENDED**

X

47. Terminate contract with JM Contracting, Inc.; approve agreement with Hensel Phelps Construction Company for completion of construction of Fire Station #33 (\$5,997,500) - District 2

21345 **APPROVED AS RECOMMENDED**

X

### PUBLIC FACILITIES AND RESOURCES DEPARTMENT

48. Approve plans and specifications and set bid opening for 11/19/03, 2:00 p.m., for asphalt overlay resurfacing of various streets; and make California Environmental Quality Act findings - Districts 1, 2, 3 & 4

21345 **APPROVED AS RECOMMENDED**

X

49. Approve agreement D02-096 with Southern California Edison Company for conversion of aerial transmission facilities to underground locations to facilitate construction for construction of Laguna Canyon Road (\$2,637,000); and make California Environmental Quality Act findings - District 5

54123 **APPROVED AS RECOMMENDED**

X

# S U M M A R Y   A C T I O N   M I N U T E S

## Acting as the Orange County Flood Control District:

50.            Approve Relocation Plan for Phase 1 of acquisition program for Prado Dam Construction Project; and make California Environmental Quality Act and other findings; **Acting as the Board of Supervisors and Orange County Flood Control District** - Adopt Relocation Assistance Program Appeal Procedure - All Districts  
21345        **APPROVED AS RECOMMENDED**  
      X
51.            Approve acquisition contract and accept grant deed from Estate of Carlota R. Gutierrez for purchase of property, Prado Dam basin area (\$859,000); authorize payment of related fees; and make California Environmental Quality Act findings - All Districts  
21345        **APPROVED AS RECOMMENDED**  
      X

## **PUBLIC PROTECTION**

### **Sheriff-Coroner:**

52.            Approve agreement with All City Management Services for crossing guard services, 11/1/03 - 10/31/04 (\$450,000); renewable for two additional years - All Districts  
54123        **APPROVED AS RECOMMENDED**  
      X
53.            Approve amended agreement with RS Elevator Corporation for maintenance and repair of elevators and escalators (\$223,125; new total \$1,163,401) - All Districts  
45123        **APPROVED AS RECOMMENDED**  
      X X
54.            Approve amended agreement with Orange County Transportation Authority for law enforcement services, 7/1/03 - 6/30/08 (\$3,766,712 per year) - All Districts  
24135        **APPROVED AS RECOMMENDED**  
      XX

## **GENERAL ADMINISTRATION**

### **County Executive Office:**

55.            Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts  
              **NO ACTION TAKEN**
56.            Approve amended price agreement N1000004577 with Kryptec.Net - All Districts  
B.O.        **CONTINUED TO 10/28/03, 9:30 A.M.**
57.            Approve price agreements N1000005455, 10/1/02 - 9/30/03 (\$16,860 plus tax); renewable for two additional years and N1000005493, 3/31/03 - 3/30/04 (\$123,998 plus tax); renewable for four additional years with BMC, Inc. for mainframe software licenses - All Districts  
B.O.        **DELETED**

# S U M M A R Y   A C T I O N   M I N U T E S

58.            **Acting as the Board of Supervisors** - adopt resolution approving issuance of Orange County Development Agency Tax Allocation Refunding Bonds (Santa Ana Heights Project Area), Series 2003 (\$42,000,000); making findings and approving other related matters; **Acting as the Orange County Development Agency** - adopt resolution approving issuance of the 2003 bonds; approving finance team and forms of financing documents; making findings; and directing the Executive Director and designee to apply \$10,000,000 of unexpended 1993 proceeds to redeem bonds and approving other related matters; **Acting as the Board of Supervisors and the Orange County Development Agency** - make related budget adjustments - District 2

21345        **APPROVED AS RECOMMENDED**

XN

*RESO: 03-338 - 03-339*

59.            **Registrar of Voters** - Receive update on Statewide Special Election conducted on 10/7/03 - All Districts

B.O.        **DELETED**

- S59A.        **County Counsel** - Adopt resolution authorizing sale and issuance of Newport-Mesa Unified School District General Obligation Bonds, Election of 2000, Series 2003; and approve related documents - Districts 2 & 5

25134        **APPROVED AS RECOMMENDED**

X

*RESO: 03-340*

- S59B.        **Chairman Wilson** - Proposed agreement with Transportation Corridor System regarding Financial Analysis of toll road consolidation

B.O.        **CONTINUED TO 10/28/03, 9:30 A.M.**

## **IV. PUBLIC HEARINGS (Items 60-62)**

### **INTEGRATED WASTE MANAGEMENT DEPARTMENT**

60.            Public Hearing to consider adopting resolution amending the County unincorporated area Non-Disposal Facility Element; authorize director to distribute adopted amendment to cities within 30 days and submit same to California Integrated Waste Management Board for approval - All Districts

B.O.        **CLOSED PUBLIC HEARING**

21345        **APPROVED AS RECOMMENDED**

X

*RESO: 03-341*

### **PUBLIC PROTECTION**

61.            **Probation** - Public Hearing to consider adopting resolution approving revised fees to various recipients of Probation services; and make California Environmental Quality Act and other findings - All Districts

B.O.        **CLOSED PUBLIC HEARING**

41235        **APPROVED AS RECOMMENDED**

X

*RESO: 03-342*

### **GENERAL ADMINISTRATION**



# S U M M A R Y   A C T I O N   M I N U T E S

62.      **County Executive Office** - Acting as the Board of Supervisors - Public Hearing to consider adopting resolution amending part of Resolution 03-301 to establish Community Facilities District No. 2003-1 (Ladera Ranch), proposed rate and method of apportionment of special tax and proposed issuance of bonds; approve Facilities (Engineer's) Report; authorize levy of special tax, calling of an election; and making California Environmental Quality Act and other findings; Acting as the Community Facilities District No. 2003-1 (Ladera Ranch) - Adopt resolution determining the necessity to incur bonded indebtedness (\$60,000,000) and calling of an election - District 5

B.O.      **CLOSED PUBLIC HEARING**

51234      **APPROVED AS RECOMMENDED**

X

*RESO: 03-343 - 03-344*

## **V. CLOSED SESSION (Items CS-1-CS-3)**

### **County Counsel:**

- CS-1.      Closed Session CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Michael Beery v. County of Orange, OCSC No. 03CC02652

B.O.      **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MICHAEL BEERY V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

- CS-2.      Closed Session CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Madeline Robinson v. County of Orange, VNO 0310967; VNO 0318967; VNO 0398983

B.O.      **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MADELINE ROBINSON V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

- CS-3.      Closed Session CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c): Number of Cases: One Case

B.O.      **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO INITIATE LITIGATION AGAINST SHARON SICSKO, DBA ARROW CUSTOM COVERS.**

# S U M M A R Y   A C T I O N   M I N U T E S

## VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

### PUBLIC COMMENTS:

Shirley Conger, Rachel Perez-Hamilton, George Margolin, Ralph Morgan, Jr. - Oral Re: Opposition of MCAS El Toro annexation to Irvine and plans for Great Park

Thelma Franks - Oral Re: HUD Housing Rehab program problems

### BOARD COMMENTS:

Supervisor Silva - Oral Re: Status report on recent Washington, DC legislative trip, including Santa Ana River project; Secondary Treatment project and other Orange County issues

### ADJOURNED: 11:07 A.M.

15234    Adjourned in memory of Woodrow Wilson Butterfield  
X

51234    Adjourned in memory of Jim DeNault  
X

\*\*\* KEY \*\*\*

#### *Left Margin Notes*

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

#### *Right Margin Notes*

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order
- O. = Ordinance
- R. = Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

---

*THOMAS W. WILSON, CHAIRMAN*  
*Orange County Board of Supervisors*

---

*DARLENE J. BLOOM*  
*Orange County Clerk of the Board*